

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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#### FISH HABITAT PERMIT FH-11-IV-0007-GP

ISSUED: January 1, 2011  
EXPIRES: December 31, 2011

General Public:

**Re: Vehicle and Equipment Fords—Matanuska-Susitna Borough**

#### ***Oil Well Road Trail:***

##### **Kroto Creek Tributary**

Water Body - 247-41-10200-2081-3123

Section 10, T. 23 N., R. 7 W., S.M.

##### **Chijuk Creek Tributary 1**

Water Body -247-41-10200-3035-4033

Section 17, T. 23 N., R. 7 W., S.M.

##### **Chijuk Creek Tributary 2**

Water Body - 247-41-10200-2081-3065-4027

Section 20, T. 23 N., R. 7 W., S.M.

##### **Chijuk Creek Tributary 3**

Water Body - 247-41-10200-2081-3065- 4021-0030

Section 30, T. 23 N., R. 8 W., S.M.

##### **Chijuk Creek Tributary 4**

Water Body -247-41-10200-2081-3065-4021-5019-6024

Section 25, T. 23 N., R. 8 W., S.M.

##### **Chijuk Creek Tributary 5**

Water Body - 247-41-10200-2081-3065-4021-5019

Section 25, T. 23 N., R. 8 W., S.M.

Section 26, T. 23 N., R. 8 W., S.M.

Alaska law (AS 16.05.871) requires that a permit from the Division of Habitat be obtained prior to operating wheeled or tracked vehicles in or on the bed, bank, or waters of specified anadromous fish-bearing streams and lakes. The increase in off-road vehicle (ORV) use over the past several years and the amount of public use of the Oil Well Road Trail system, identified herein, justifies the issuance of this General Permit. Such issuance does not obligate or imply that the Division of Habitat will renew this authorization in the future. The Division of Habitat will continue working with local user groups and land management agencies to ensure that off road vehicle use avoids and/or minimizes adverse impacts to fish and wildlife resources and habitat areas.

Pursuant to AS 16.05.871(b), the Alaska Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing vehicle stream crossings at the existing stream fords on the streams listed above. This General Permit authorizes stream crossings **only at the specific existing ford sites as described herein and identified by the legal descriptions above.** The use of any ground-effect motorized vehicle to cross streams at locations not described above or to cross other specified anadromous fish-bearing

waterways IS NOT ALLOWED, unless specifically authorized in writing by the Division of Habitat. This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands).

This GP authorizes stream crossings of equipment with a curb weight of up to 10,000 pounds. For purposes of this permit, "curb weight" is defined as "the weight of the vehicle with a full tank of fuel and all liquids topped off, but with no one sitting in the vehicle and no cargo loaded". The use of ground contact vehicles with a curb weight of more than 10,000 pounds requires an individual Fish Habitat Permit before crossing any anadromous fish bearing waterway. Please contact the Palmer office of the Division of Habitat for permit application materials and/or additional information (907-861-3200). For additional information regarding regulations governing the cross country movement of equipment on state lands, please contact the Department of Natural Resources, Public Information Center in Anchorage (907-269-8400).

When crossing a stream with any motorized vehicle, you are required to cross within the shortest and most direct approach, while maintaining safety. This is usually perpendicular to the flow of the water. However, the Division of Habitat is aware that stream crossing locations may change depending on stream flow conditions. Because of this, non-perpendicular crossings may be necessary for safety.

This permit authorizes the operation of vehicles in flowing waters of anadromous streams only to access the opposite bank. Driving a vehicle up and downstream for any other purpose, including general recreation is strictly prohibited. Vehicles may not linger or delay while crossing streams. Harassing fish while crossing any stream is prohibited by regulation (5 AAC 75.060). Washing mud from vehicles while the vehicle is in the flowing waters of a stream is prohibited.

The streams referenced above have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). Chinook, pink, chum, sockeye, and coho salmon as well as a variety of resident fish species use the water in the immediate vicinity of the referenced stream crossing sites.

This activity has been found consistent with the Alaska Coastal Management Program. In accordance with AS 16.05.871(d), the movement of wheeled or tracked vehicles on the bed and banks at the specified existing fords of the streams listed above is hereby authorized subject to the following stipulations:

1. Stream crossings shall be made as directly as possible. Vehicle operation within streams shall be limited to that necessary to safely cross the water body.
2. The bed or banks of these specified water bodies shall not be altered or disturbed in any way to facilitate crossing. The existing fords shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Division of Habitat.
3. No vehicles shall be operated on the vegetated streambanks or in a manner or location that induces erosion or sedimentation of specified anadromous fish-bearing waters.

**This permit does not apply to commercial operators.** Commercial operators who need to conduct equipment or vehicle crossings of anadromous streams must obtain an individual Fish Habitat Permit prior to commencement of commercial operations. Please contact the Palmer office of the Division of Habitat for permit application materials and/or for additional information (907-861-3200).

You are responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken that increases the scope of the approved activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

January 1, 2011

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the State free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this authorization applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing other State, Federal, or local permits. You are required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruptions to fish and game created by the project that were a direct result of the failure to comply with this permit or any applicable law.

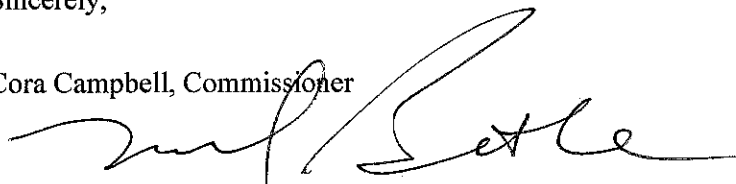
You shall indemnify, save harmless, and defend the Division of Habitat, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

This general permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Maria Shepherd at (907) 861-3204 or emailed to [maria.shepherd@alaska.gov](mailto:maria.shepherd@alaska.gov).

Sincerely,

Cora Campbell, Commissioner

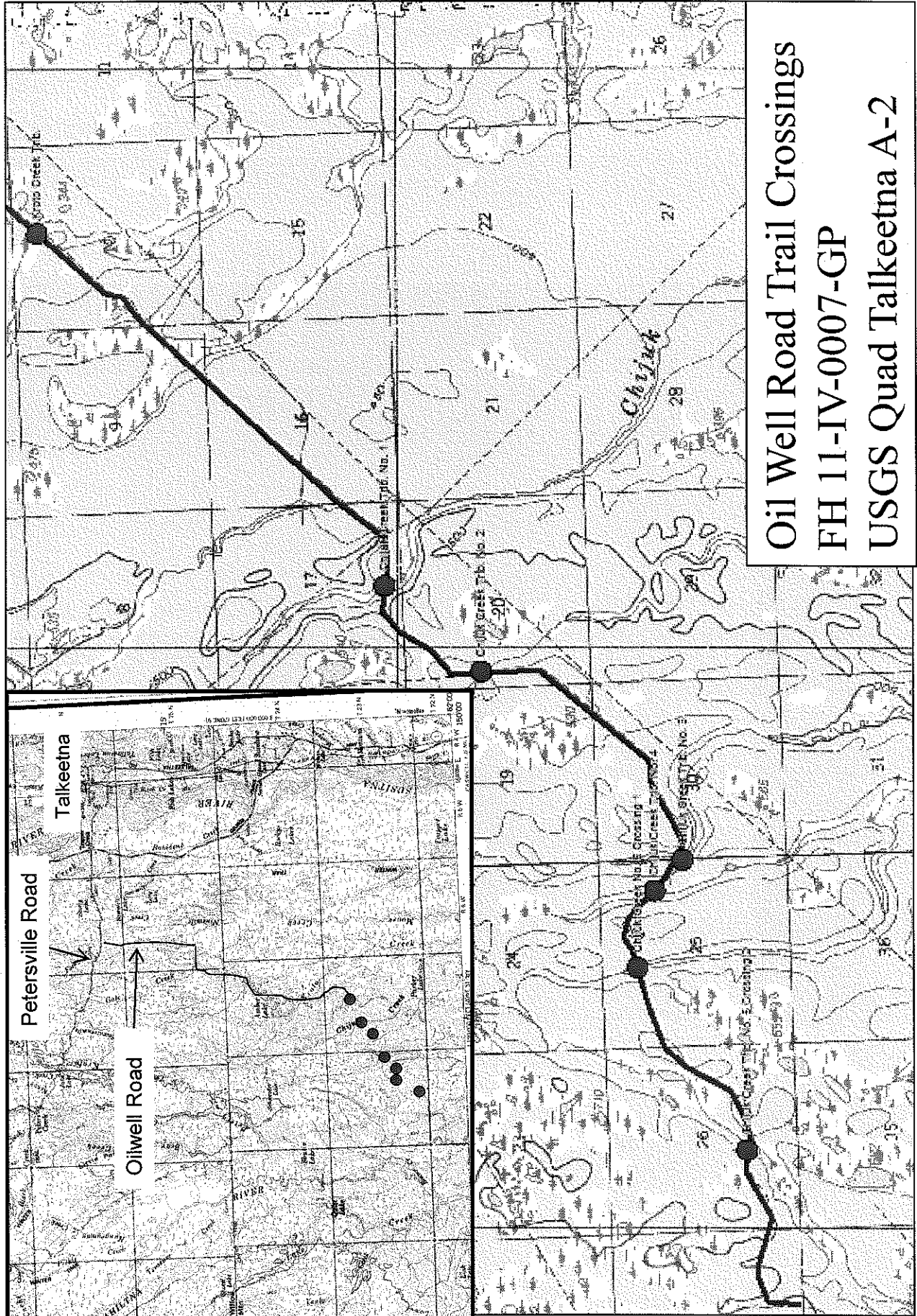
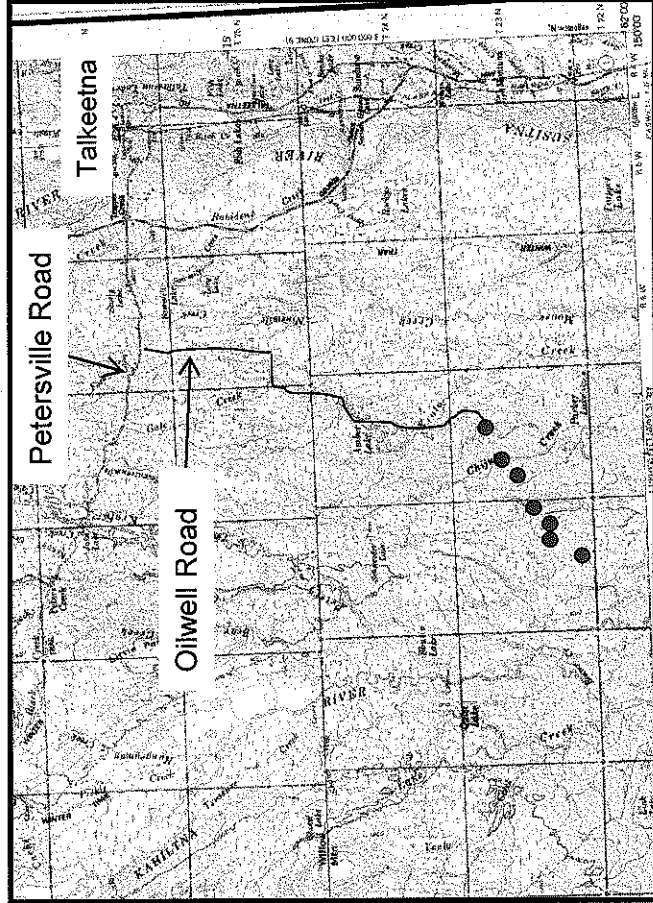


By: Michael L. Bethe, Habitat Biologist  
Division of Habitat  
(907) 861-3202

Attachment: Map – Oil Well Road Trail Crossing

-mfs

cc:	T. Oleck, AWT	M. Agnew, AWT	J. Fox, CF	S. Ivey, SF
	L. Books, DMLW	A. Ott, Habitat	M. Daigneault, Habitat	D. Massie, AWT
	B. Soiseth, USCOE	K. Nelson, USCOE	C. Larson, DMLW	W. Biessel, DPOR
	R. Guertin, MSB	K. Westphal, DMLW	A. Lee, DMLW	T. Kavalok, WC
	A. Oels, WC	R. Piorkowski, SF	G. O'Doherty, SF	City of Wasilla
	City of Palmer	City of Houston		



Oil Well Road Trail Crossings  
FH 11-IV-0007-GP  
USGS Quad Talkeetna A-2